

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THOMAS PRICE,

Plaintiffs,

Case No.:

v.

Hon.

JOHN DOE, RICHARD ROE, WILLIAM DOE and JANE DOE, UNKNOWN
AGENTS OF THE UNITED STATES
DEPARTMENT OF JUSTICE, DRUG
ENFORCEMENT AGENCY, in individual
capacities, jointly and severally,

Defendants.

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COMPLAINT

NOW COMES Plaintiff, THOMAS PRICE, by and through his attorneys
JOHNSON LAW, PLC, and for his Complaint against Defendants, JOHN DOE,

RICHARD ROE, WILLIAM DOE and JANE DOE, Unknown Agents of the United States Department of Justice, Drug Enforcement Agency, states as follows:

JURISDICTION AND VENUE

1. This is a civil action for money damages brought pursuant to 42 U.S.C. §§ 1983 and 1988, and the Fourth and Fourteenth Amendments to the United States Constitution.
2. This court has original jurisdiction over Plaintiff's claims presented in this Complaint based upon the laws of the United States pursuant to 28 U.S.C. §§ 1331 and 1343.
3. The amount in controversy exceeds Seventy-Five Thousand (\$75,000.00) Dollars, excluding interest, costs and attorney fees.
4. The unlawful actions alleged in the Complaint took place within the jurisdiction of the United States District Court for the Eastern District of Michigan (Southern Division).
5. Venue is proper pursuant to 28 U.S.C. § 1391 (b).

PARTIES

6. The Plaintiff, THOMAS PRICE, is, and at all times relevant to this action was, a resident of the City of Flint, State of Michigan.
7. Defendants, JOHN DOE, RICHARD ROE, WILLIAM DOE and JANE DOE, are citizens of the State of Michigan as were, at all times relevant to

this action, employed as agents of the United States Department of Justice, Drug Enforcement Agency, herein after referred to as “DEA”.

8. The actual names of the Defendants are currently unknown and JOHN DOE, RICHARD ROE, WILLIAM DOE and JANE DOE are pseudonyms.
9. On October 19, 2016, at the time of the events alleged in this Complaint, Defendants JOHN DOES and JANE DOES were each acting in their individual capacities, within the course and scope of their employment as agents of the DEA.
10. On October 19, 2016, at the time of the events alleged in this Complaint, Defendants were acting under color of law.

FACTUAL ALLEGATIONS

11. On or about October 19, 2016, at approximately 6:30 a.m., Defendants were agents of the DEA.
12. Defendants, DEA Agents were working in conjunction with the Oakland County Sheriff’s Department and the Narcotics Enforcement Team out of Flint.
13. Defendants, went to the business and residence located at 3711 Gorey Ave., within the City of Flint to execute a search warrant in search of drugs.

14. At the time of the DEA raid, Plaintiff, THOMAS PRICE was residing in the upper apartment in the residence at the subject address and he was sleeping at the time of the raid.
15. During the drug raid conducted by Defendants, one of Defendant Agents picked Plaintiff, THOMAS PRICE up while he was sleeping in his sleeping bag and threw him to the ground causing a brain bleed, blood clot, craniotomy, and a large residual head scar.
16. The force utilized was unreasonable, unnecessary and excessive.
17. The Defendant Agents did not have justifiable reason to use the force that they deployed at any time during their search and brutal physical attack on Plaintiff, THOMAS PRICE.
18. As a direct and proximate result of the wrongful acts and omissions of the Defendants, Plaintiff, THOMAS PRICE sustained severe and permanent injuries.

DEFENDANTS' STATUS AS STATE AND/OR FEDERAL EMPLOYEES

19. Defendants, upon information and belief, were acting as employees of the United States at all relevant times.
20. Discovery is needed to determine which of the Defendants were acting under color of federal law.
21. No Defendant was acting outside of the color of federal law.

COUNT I
BIVENS CLAIM

22. Plaintiff realleges and incorporates the foregoing paragraphs as if fully rewritten herein.
23. Defendants were acting under color of federal law based on their positions as agents of the DEA, having knowingly and individually violated Plaintiff's constitutional rights through, *inter alia*, causing the above-described savage physical attack on Plaintiff, without legal justification. Plaintiff had a clearly established right to liberty protected in the substantive components of the Due Process Clause of the Fourteenth Amendment to the United States Constitution, including his right to personal safety and bodily integrity, as well as protection from unlawful seizure, unnecessary force, and excessive force pursuant to the Fourth Amendment to the United States Constitution.
24. Defendants' actions in violations of Plaintiff's constitutional rights have caused Plaintiff significant damage, in an amount to be established at trial.
25. Plaintiff seeks an award of compensatory damages and punitive damages against Defendants, individually, under *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971) as a result of their actions in deprivation of Plaintiff's constitutional rights.

WHEREFORE, Plaintiff demands judgment:

1. Awarding Plaintiff compensatory damages against JOHN DOES and JANE DOES in an amount to be determined at trial, together with interest, attorneys' fees, costs and disbursements;
2. Awarding Plaintiff punitive and exemplary damages against JOHN DOES and JANE DOES in amounts to be determined at trial;
3. Such other and further relief as is just or proper.

COUNT II
VIOLATION OF 42 U.S.C. § 1983 BY DEFENDANTS

26. Plaintiff hereby incorporates by reference the allegations contained in the previous paragraphs as though fully set forth herein.
27. The above-described savage physical attack on Plaintiff was without legal justification.
28. At all times relevant, Plaintiff had a clearly established right to liberty protected in the substantive components of the Due Process Clause of the Fourteenth Amendment to the United States Constitution, including his right to personal safety and bodily integrity, as well as protection from unlawful seizure, unnecessary force, unreasonable force, and excessive force pursuant to the Fourth Amendment to the United States Constitution.

29. At all relevant times, as agents of the DEA, acting under color of law, Defendants, JOHN DOES and JANE DOES, were required to obey the laws of the United States, including those laws identified under Fourth and Fourteenth Amendments to the United States Constitution.
30. In violation of Plaintiff's clearly established constitutionally protected right to be free from punishment and deprivation of life and liberty without due process of law under the Fourth and Fourteenth Amendments to the United States Constitution, Defendants employed unnecessary, unreasonable, and excessive force against Plaintiff, thereby inflicting horrendous personal injuries upon him.
31. In violation of Plaintiff's clearly established constitutionally-protected right to be free from punishment and deprivation of life and liberty without due process of law under the Fourth and Fourteenth Amendments to the United States Constitution, Defendants failed to act to prevent the use of unnecessary, unreasonable, and excessive force against Plaintiff.
32. Pursuant to 42 U.S.C. §§ 1983 and 1988, Defendants are liable to Plaintiff for all damages allowed under federal law. To the extent that the damages allowable and/or recoverable under one or both of the statutes are deemed insufficient to fully compensate Plaintiff and/or to punish or deter the

Defendants, this Court must order additional damages to be allowed so as to satisfy any and all such inadequacies.

33. The conduct of Defendants was and remains extreme and outrageous subjecting Defendants to punitive damages.

34. Defendants knew that their actions were or might be in violation of federal law.

35. Defendants acted in gross disregard and with reckless indifference to Plaintiff's rights to be secure in his person, to be free from unwarranted use of force.

36. As a direct and proximate result of Defendants willful violation of Plaintiff's constitutionally protected rights, Plaintiff has suffered and will continue to suffer damage into the future, including but not limited to:

- a) Physical pain and suffering;
- b) Permanent scarring;
- c) Injury to the back, neck and spine;
- d) Aggravation and exacerbation of pre-existing conditions;
- e) Loss of income;
- f) Mental anguish;
- g) Severe emotional distress;
- h) Fright and shock;
- i) Denial of social pleasures and enjoyment;
- j) Humiliation or mortification;
- k) Reasonable medical bills and expenses for the past, present and future;
- l) Future medical treatment;
- m) Punitive damages;
- n) Exemplary damages, and

o) All other damages properly recoverable under law.

WHEREFORE, Plaintiff, THOMAS PRICE, respectfully requests this Honorable Court enter a judgment in his favor against Defendants and award an amount in excess of Seventy-Five Thousand (\$75,000.00) Dollars, exclusive of costs, interest and attorney fees, as well as an award of punitive damages.

Respectfully submitted,

JOHNSON LAW, PLC

By: /s/ Thomas W. Waun
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Date: October 1, 2019

PLAINTIFF'S JURY DEMAND

Plaintiff THOMAS PRICE, by and through his Attorneys, JOHNSON LAW, PLC, hereby demands a trial by jury pursuant to FRCP 38.

JOHNSON LAW, PLC

By: /s/ Thomas W. Waun
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Date: October 1, 2019